

A Public Hearing was held October 14, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Town of Marilla. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published and posted pursuant to the provisions of the Town Law. Approximately (15) persons were in attendance. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss stated that the Public Hearing regarding the use of Federal Community Development funds in the Town of Marilla was now open. Supervisor Foss asked for public comment.

Hearing no comments from those in attendance, the hearing was closed at 7:40p.m.

Respectfully Submitted,

_____ Town Clerk

Regular Meeting
October 14, 2004

A regular meeting of the Marilla Town Board was held October 14, 2004 at 7:40 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman
Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

1. A Thank you card from resident Evelyn Dabb for the \$20 gift certificate she received for her participation in the variety parade.

Committee Reports

Supervisor Foss reported for Highway Superintendent Dave Pierce that the Highway Department is prepared for winter and this week they have been working on preparing a site at the Town Park for a new picnic shelter.

Councilman Spanitz reported that she will be attending an Affirmative Action Meeting on October 25th.

Councilman Handley reported that Tim Putt from Troop 290 finished the trail at the Marilla Town Park, he is doing it as an Eagle Scout Project. Anyone wishing to go for a nice walk can do so now on this new trail, he did an excellent job.

Councilman Specht reported that the server is up and running and he has heard no negatives, although he expects a few problems may arise. We will be scheduling training on a Wednesday for town personnel to learn the new system. This Board thought long and hard on whether to invest in our own server, the County allowed us to use their server at the time for no charge, rumor now has it that there is a fee. With all the problems at the County recently, we're glad we bought our own server and didn't depend on the County. He also stated that the bee problem at the Historical Museum seems to be taken care of. He explained that he spoke to Jerry Cook about the lights on the Flag Pole not working and Marilla Electric will be out to set them.

Councilman Gertz reported that the hard covered History Books are finally in. We have currently sold 450 books and they are still available for purchasing. He stated that he attended a meeting at the County for disaster preparedness and we are currently up to date, they have sent everything to the Federal Government and are waiting to hear back from them.

Supervisor Foss commended Councilman Gertz for the great job and reasonable price he has done on our History Books (\$10 soft cover and \$20 hard cover). He then reported on the 2005 preliminary budget; they added \$2000 to the concert series bringing that budget line to \$5000, we also added \$1000 to the Conservation Advisory Board Budget line to allow us to hire Darlene Vogel to help prepare better for our PACE Grants. There was an error in the original figures for retirement, the correct total is an increase of about \$30,000 (\$23,500 for General Fund, \$10,500 for Highway, \$12,517 for sanitation) this will be covered out of surplus and will not affect the tax rate. In another area NEST (Solid Waste) we are currently working on a new solid waste contract to bid with Elma. It is almost complete and we do hope there is some possible savings for our sanitation district.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve Minutes from the Special Meeting held on 9/7/04 and the Regular Meetings held on 9/9/04. Motion Carried.

New Business

Motion: Councilman Spanitz moved, seconded by Councilman Handley to authorize John R. Foss, Town Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG.

1. Rural Transit – The Supervisor is also authorized to submit a letter committing the Town of Marilla to the Rural Transit Program for 2005-2006. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Town of Marilla to participate in the Rural Transit Van Service for 2005 and 2006. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to authorize the Town Clerk to bid refuse contract when specifications are completed and approved by the Town Attorney. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to set the date and time for Public Hearings on the Firemen's Contract and the 2005 Annual Budget at 7:30 p.m. for November 4th 2004. Motion Carried.

Motion: Councilman Spantiz moved, seconded by Councilman Specht to authorize Nussbaumer and Clarke Inc., to supervise repairs on the elevator at the Marilla Free Library at a cost up to and not to exceed \$4000. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that John McFadden from Nussbaumer and Clarke will be meeting with the local representative from the Elevator Company next week.

Supervisor Foss stated that there will be a meeting held at the Marilla Town Hall on Tuesday, October 26th at 9:00 a.m. with R & D Engineering concerning the proposed Water District 6, which includes Holland, Aurora, Wales and Marilla. He would like Town Engineer; Mike Smith and Town Attorney; Nathan Neill to attend, a work session will follow.

Building Inspector John Fronczek submitted a written report with 12 building applications received totaling fees of \$1,231.00 building permits issued with a value of \$369,230.00, 9 inspections were made, and 2 complaints were acted on. One Variance Application for \$125 was taken. A total of 146 acts of official business were made for the month of September.

Town Attorney Nathan Neill had no report.

The Planning Board will be meeting next Thursday.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Chris Booker reported that the Fire Company will be sending out letters to residents concerning ambulance service.

Supervisor Foss stated that residents can receive house number signs installed for \$15 from the Marilla Fire Company.

Councilman Gertz asked Chris Booker to meet with Councilman Handley after the meeting to possibly have the Boy Scouts help with the installation of the house number signs as an Eagle Scout project.

Hubert Kutter reported that there are plenty of History Books available at the Town Hall, General Store, Country Crossroads Flower Shop and the Museum. He stated that Jim Gingerich is giving a slide presentation at the Alden Historical Society this evening.

Open Board Presentations

Councilman Spanitz stated that next month's Board Meeting will be held on November 4th 2004.

Supervisor Foss stated that Halloween will be celebrated on Sunday, October 31st in the Town.

Councilman Gertz stated that he was disturbed at an article published in the Elma Review where the Wales Court Clerk was extremely critical about how the Town Board treats their Court Personnel in the Town of Marilla. He stated that no one from the Court has ever approached him or any other Town Board Member about money or budget problems. He was personally going to look into this.

Supervisor Foss responded that he hadn't seen the article, but was told that our Court Clerk was very upset over it and she stated that she had never said that. He feels they have what ever equipment they've requested; their own fax, photo copier and computer system, they have not asked for anything extra in their budget. He thought they were very happy and doesn't understand why that is in the paper.

Supervisor Foss in closing commented on the situation with the County. He received faxes with the County threatening to cut services; such as snow plowing and the Sheriffs Patrol. He met this week with other Supervisors to discuss the problem as well as the news media has been questioning different Supervisors concerning the situation. There will be a meeting with Supervisors and Mayors as well as Mr. Giambra on Saturday. In

his view this is not the proper way to conduct business. Mr. Giambra new last spring the County’s budget problems, he should have met with all the towns and villages at that time. We are all in this together, to serve the people. Towns may have considered lowering the charges for the snowplowing to the County by 10 or 20 percent for a while if he had given us the option. He felt this method of sending last minute faxes to towns threatening to cut services and publishing it in the newspaper after towns had done their budgets is a ridiculous way to do business. He stated we are all in this together; Federal, State, County, City and Local: we are all in government to serve the people and this is not serving them in a very good manner, it only gets people angry and solves nothing. He personally doesn’t agree with this cafeteria way of providing services, we need Sheriffs services, snowplowing, and our Library, but very few Marilla Residents use the Metro Rail, Sheas and Kleinhans and there are no County Parks in Marilla, yet our tax dollars fund those things. He understands the County’s problem with Medicad but there is nothing this Town can do, this is their problem with the State and the Federal Government and to take this out on the Towns and Villages in this manner is totally ridiculous. Mr. Giambra needs to change the way he is doing business and start working with his partners in this County; Town Supervisors and Mayors.

Resident Gloria Specht commented that it might be a good idea for County Officials to come out to the smaller towns and see how efficiently and fairly they are run; they may learn something.

Councilman Specht attended the meeting today with the Supervisor and he stated two importants things came out of that meeting. First it is illegal what the County is trying to do, it’s against State Law. Secondly 56% of the County’s Sheriffs budget is expended in the City of Buffalo.

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion:	Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:		
	General Fund Claims, Vouchers 535-609	\$	43,119.93
	Highway Fund Claims, Vouchers 146-168	\$	55,897.66
	Special Districts		
	Sanitation (SR), Vouchers 94-107	\$	18,358.73
	Special Fire, Voucher	\$.00
	Water District #2, Vouchers 20-21	\$	2,421.32
	Water District #3, Voucher 10	\$	1,306.94
	Water District #4, Voucher 10	\$	789.34
	Community Development PACE	\$.00
	Community Develp. HUD	\$.00
	Motion Carried.		

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:10 p.m. Motion Carried.

Respectfully Submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman